

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

Application of: Shunichi SATO et al.

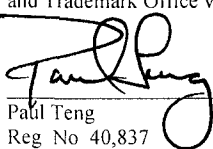
Serial No.: 10/567,809

Group Art Unit: 2828

Date Filed: June 8, 2005

Examiner: Kinam Park

For: SURFACE-EMISSION LASER DIODE AND FABRICATION PROCESS THEREOF

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| This correspondence is being filed electronically with the U S Patent and Trademark Office via EFSWeb | |
|  | June 29, 2009 |
| Paul Teng Reg No 40,837 | Date |

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Commissioner for Patents
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INFORMATION DISCLOSURE STATEMENT

In order to ensure compliance with the applicant's duty of disclosure under 37 C.F.R. §1.56 and §1.97(a)-(d), Applicant hereby submits this Information Disclosure Statement.

This Information Disclosure Statement is being filed pursuant to 37 C.F.R. §1.97(c)(1). The references listed in the annexed Form PTO-1449 were cited in a June 15, 2009 search report in connection with a counterpart European patent application. A copy of the June 15, 2009 European search report is also enclosed herewith. Each reference listed in the Form PTO-1449 annexed to this Information Disclosure Statement was first cited in any communication from a foreign patent office in a counterpart foreign application not more than three months prior to the filing of this Information Disclosure Statement. Other references (JP2001060739; JP11312847; JP2002164621; US2002101899; "Low Temperature Sensitive, Compressively Strained InGaAsP Active...Region Diode Lasers," vol. 12, no. 6; JP2003078208; US2003043875; JP2000312054; and JP2000294877) cited in the European search report were submitted with the Information Disclosure Statement filed on February 7, 2006 with this application and therefore are not being listed on the Form PTO-1449 annexed hereto. References EP0939471 and US6549553, which are also cited in the European search report, but were not submitted with the February 7, 2006 Information Disclosure Statement,

are European and U.S. counterpart applications of reference JP11312847, which was submitted with the February 7, 2006 Information Disclosure Statement, and therefore are also not listed on the form PTO-1449 annexed hereto.

It is respectfully requested that the information cited in the annexed Form PTO-1449 be considered by the Examiner in connection with the above-identified patent application, and that such art be made of record in said application.

According to the August 5, 2003 OG Notice published by the Patent and Trademark Office, the Patent Office has waived the requirement under 37 C.F.R. §1.98(a)(2)(i) for submitting a copy of each cited U.S. patent and each cited U.S. patent application publication for all U.S. national patent applications filed after June 30, 2003 and for all international application that have entered the national stage under 35 U.S.C. §371 after June 30, 2003.

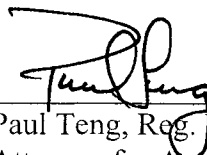
Accordingly, copies are submitted herewith for only references listed on the annexed Form PTO-1449 that are not a U.S. patent or U.S. patent application publication.

The citation of the listed items is not a representation that they constitute a complete or exhaustive listing of the relevant art or that these items are prior art. The items listed are submitted in good faith, but are not intended to substitute for the Examiner's search. It is hoped, however, that in addition to apprising the Examiner of the particular items, they will assist in identifying fields of search and in making as full and complete a search as possible.

The filing of this Information Disclosure Statement is not an admission that the information cited herein is, or is considered to be, material to patentability as defined in 37 C.F.R. §1.56(b).

The Patent Office is hereby authorized to charge any fees that are required for consideration of this Information Disclosure Statement and to credit any overpayment to our Deposit Account No. 03-3125.

Respectfully submitted,

A handwritten signature in black ink, appearing to read "Paul Teng", is written over a horizontal line.

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